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OFFICE OF PETITIONS

In re Application of :
Yasushi Washio, et al. :
Application No.: 10/561,802 : **DECISION ON PETITION**
Filed: December 22, 2005 :
Attorney Docket No.: SHIGA7.035APC :

This is a decision on the petition, filed June 3, 2010, requesting withdrawal of the holding of abandonment in the above-identified application under the provisions of 37 CFR 1.181 (no fee).

The petition is **GRANTED**.

The application was held abandoned for a failure to take appropriate action in a timely manner after the decision of March 29, 2010 by the Board of Patent Appeals and Interferences. A Notice of Abandonment was mailed on June 3, 2010.


Petitioner argues that the Notice of Abandonment issued prematurely, since a Request for Continued Examination (RCE) was filed within the period set for response to the decision by the Board.

A review of the record discloses that petitioner is correct. In view of the decision by Board of Appeals and Interferences on March 29, 2010, applicant had until June 1, 2010 to file a response to continue prosecution because May 29, 2010 was a Saturday and Monday, May 31 was a federal holiday. Since the RCE was filed on June 1, 2010, it is considered timely.

The Notice of Abandonment of June 3, 2010 was mailed in error and is hereby vacated.

The application is being referred to the Technology Center technical support staff of Art Unit 1795 for withdrawing the holding of abandonment and then for processing the June 1, 2010 RCE in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions